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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, CJ

Writ Petiton No.6132 OF 2005

PETITIONER Maharishi Ram Lochan Das Piplayan, aged 70 years, resident of Guru Shri Shri 108 Shanker Das, resident of Siddha Ashram Amrawati, Amanala Gram Panchayat, Thadha Pathra, Post Office Pakariya, Tehsil Pendra, District Bilaspur (Chhattisgarh)

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Department of Revenue, Secretariat, Raipur
2. The District Collector, Bilaspur (C.G.)
3. The Tehsildar, Pendra, District Bilaspur (C.G.)
4. The Conservator of Forest, Bilaspur circle, Bilaspur

Present:

Mr. Somnath Verma, learned counsel for the Petitioner.

Mr. Parag Kotecha, learned Panel Lawyer for the State.

ORAL ORDER
(Passed on 13th of December 2005)

The petitioner has averred that Shriman Chief Sahib of the Pendra Jamindari Shri Lal Amol Singh Sahib gave a piece of land admeasuring about 41 acres on 01-11-1949. That was followed by an order of transfer of land issued by the office of the Chief Sahib Pendra Estate. It is stated that the petitioner submitted his representation / application on 17-04-1965 and another representation on 01-05-1965 to respondent No. 3 and other respondents also for mutating entries in the records of rights of the subject land. It is stated that the petitioner wanted to submite his representation /

application to the 3rd respondent and other respondents on 17-04-1965 and 01-05-1966 for correction of the land records in the name of the petitioner, but, the respondents refused to receive the applications without assigning any reason. It is also stated that even after the year 1966, he has been making representations/applications to the respondents, but, they refused to correct the entries. It was also stated that since the respondent refused to receive applications/representations, subsequently, the petitioner submitted his applications by registered post acknowledgment due.

The 3rd respondent who is empowered to make entries in the records of rights of the subject land is duty bound to receive application and pass appropriate orders in accordance with law and he cannot refuse to receive application nor squat on such application for decades.

Learned Panel Lawyer for the State would contend that there is no evidence placed before the Court to show that after 1966, the petitioner made any application to the 3rd respondent or other respondents. It was pointed out by the learned Panal Layer that even copies of these applications made in the year 1965-66 are not appended to the petition.

Be that as it may, I think that the ends of justice would be met by permitting the petitioner to make fresh application to the 3rd respondent to mutate entries in the revenue records with regard to the subject land and directing the 3rd respondent to dispose of the same within a time-frame. In that view of the matter, I dispose of the writ petitioner permitting the petitioner to make a representation/application to the Tahsildar within a period of one month from today seeking mutation of entries in the records of rights of subject land and if such an application/representation is filed by

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the petitioner within the stipulated time, the 3rd respondent is directed to consider and dispose of the same in accordance with law within a period of 3 months from the date of receipt of such application/representation. The parties shall bear their respective costs in this writ petition.

Sd/-
Chief Justice

Brajesh